

## SENATE BILL No. 367

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-24-2-1; IC 20-8.1.

**Synopsis:** Compulsory school attendance. Establishes the conditions under which a student who is at least 16 years of age (but less than 18 years of age) may withdraw from school. Allows a school corporation that determines it cannot serve a student because of the student's disruptive behavior or frequent unexcused absences to place the student in another setting. Provides that if the other setting is in another school corporation or a nonpublic school, the school corporation in which the student has legal settlement is responsible for tuition.

**Effective:** July 1, 2004.

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January 12, 2004, read first time and referred to Committee on Education and Career Development.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 367

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 9-24-2-1 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2004]: Sec. 1. (a) A driver's license or a  
learner's permit may not be issued to an individual less than eighteen  
(18) years of age who meets any of the following conditions:

- (1) Is a habitual truant under IC 20-8.1-3-17.2.
- (2) Is under at least a second suspension from school for the  
school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.
- (3) Is under an expulsion from school under IC 20-8.1-5.1-8,  
IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.
- (4) Has withdrawn from school, for a reason other than financial  
hardship and the withdrawal was reported under  
IC 20-8.1-3-24(a) before graduating.

(b) At least five (5) days before holding an exit interview under  
~~IC 20-8.1-3-17(b)(2)~~, **IC 20-8.1-3-17.7**, the school corporation shall  
give notice by certified mail or personal delivery to the student, the  
student's parent, or the student's guardian of the following:

- (1) That the exit interview will include a hearing to determine if



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the reason for the student's withdrawal is financial hardship.

(2) If the principal determines that the reason for the student's withdrawal is not financial hardship:

(A) the student and the student's parent or guardian will receive a copy of the determination; and

(B) the student's name will be submitted to the bureau for the bureau's use in denying or invalidating a driver's license or learner's permit under this section.

SECTION 2. IC 20-8.1-3-17, AS AMENDED BY P.L.291-2001, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. (a) Subject to the specific exceptions under this chapter, each individual shall attend either a public school which the individual is entitled to attend under IC 20-8.1-6.1 or some other school which is taught in the English language.

(b) An individual is bound by the requirements of this chapter from the earlier of the date on which the individual officially enrolls in a school or, except as provided in subsection (h), the beginning of the fall school term for the school year in which the individual becomes seven (7) years of age until the date on which the individual:

(1) graduates;

(2) reaches at least sixteen (16) years of age ~~but who is less than eighteen (18) years of age and meets the requirements under subsection (j) concerning an exit interview are met~~ **section 17.7 of this chapter**, enabling the individual to withdraw from school before graduation; or

(3) reaches at least eighteen (18) years of age; whichever occurs first.

(c) An individual who:

(1) enrolls in school before the fall school term for the school year in which the individual becomes seven (7) years of age; and

(2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the individual is reenrolled as required in subsection (b). Nothing in this section shall be construed to require that a child complete grade 1 before the child reaches eight (8) years of age.

(d) An individual for whom education is compulsory under this section shall attend school each year:

(1) for the number of days public schools are in session in the school corporation in which the individual is enrolled in Indiana; or

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(2) if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled.

(e) In addition to the requirements of subsections (a) through (d), an individual must be at least five (5) years of age on July 1 of the 2001-2002 school year or any subsequent school year to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (g), the governing body of the school corporation shall adopt a procedure affording a parent of an individual who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent of the school corporation for enrollment of the individual in kindergarten at an age earlier than the age that is set forth in this subsection.

(f) In addition to the requirements of subsections (a) through (e), and subject to subsection (g), if an individual enrolls in school as permitted under subsection (b) and has not attended kindergarten, the superintendent of the school corporation shall make a determination as to whether the individual shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (g).

(g) To assist the principal and governing bodies, the department shall do the following:

(1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent of the school corporation under subsection (e).

(2) Establish criteria by which a governing body may adopt a model assessment which will be utilized in making the determination under subsection (f).

(h) If the parents of an individual who would otherwise be subject to compulsory school attendance under subsection (b), upon request of the superintendent of the school corporation, certify to the superintendent of the school corporation that the parents intend to:

(1) enroll the individual in a nonaccredited, nonpublic school; or

(2) begin providing the individual with instruction equivalent to that given in the public schools as permitted under section 34 of this chapter;

not later than the date on which the individual reaches seven (7) years of age, the individual is not bound by the requirements of this chapter until the individual reaches seven (7) years of age.

(i) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in subsection (b)(2). Each exit

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interview must be personally attended by:

- (1) the student's parent or guardian;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

(j) ~~A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:~~

- ~~(1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and~~
- ~~(2) at the exit interview, the student provides written acknowledgment of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.~~

~~(k)~~ (j) For the purposes of this section, "school year" has the meaning set forth in IC 21-2-12-3(h).

SECTION 3. IC 20-8.1-3-17.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 17.7. (a) This section applies to an individual who:**

- (1) is at least sixteen (16) years of age but less than eighteen (18) years of age;
- (2) has not completed the requirements for graduation; and
- (3) wishes to withdraw from school before graduation.

(b) An individual to whom this section applies may withdraw from school only if all the following conditions are met:

- (1) An exit interview is conducted.
- (2) The individual's parent consents to the withdrawal.
- (3) The principal of the individual's school consents to the withdrawal.

(4) The withdrawal is for one (1) of the following reasons:

(A) Because of financial hardship, the individual must be employed to support the individual's family or dependents.

(B) The individual, the individual's parent, and the principal agree that the individual will not benefit by continuing to attend school.

(C) The individual's parent intends to begin providing the individual with instruction equivalent to that given in the public schools as allowed under section 34 of this chapter.

(c) If the principal of an individual's school does not consent to the individual's withdrawal under this section, the individual's

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parent may appeal the denial of consent to the governing body of the school corporation.

(d) A school shall provide an annual report to the department of the following information:

(1) The total number of individuals who withdraw from the school under this section.

(2) The number of individuals who withdraw from school for each reason set forth in subsection (b)(4).

SECTION 4. IC 20-8.1-3-17.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 17.8. (a)** This section applies to an individual who withdraws from school for the reason set forth in section 17.7(b)(4)(C) of this chapter.

(b) If a principal believes that an individual who has withdrawn from school is not receiving instruction equivalent to that given in the public schools, the principal shall refer the matter to the prosecuting attorney of the county in which the individual resides for investigation.

(c) In an investigation under subsection (b), an individual's parent has the burden of demonstrating to the prosecuting attorney's satisfaction that the individual is receiving instruction equivalent to that given in the public schools. If the prosecuting attorney finds there is probable cause to believe that the individual's parent is not providing the individual with instruction equivalent to that given in the public schools, the prosecuting attorney may file an information with the court having jurisdiction alleging that the individual's parent is in violation of this chapter.

(d) In a proceeding based on an information filed under subsection (c), the prosecuting attorney must provide proof beyond a reasonable doubt that an individual's parent is not providing instruction equivalent to that being given in the public schools.

SECTION 5. IC 20-8.1-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

#### **Chapter 16. Tuition for Certain Students**

**Sec. 1.** This chapter applies to a student who cannot be served by a school for any of the following reasons:

(1) The student's disruptive behavior in class prevents the student or other students from learning.

(2) The student has frequent unexcused absences.

**Sec. 2.** If a school determines that the school is unable to teach a student described in section 1 of this chapter, the school's

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principal may request the superintendent to seek an alternative placement for the student under this chapter.

**Sec. 3.** Upon receiving a request under section 2 of this chapter, the superintendent may place a student described in section 1 of this chapter in any of the following:

(1) Another school within the school corporation that the superintendent determines may successfully teach the student.

(2) An alternative school operated by the school corporation or by another school corporation.

(3) A school within another school corporation that the superintendent determines may successfully teach the student.

(4) A nonpublic school that the superintendent determines may successfully teach the student.

**Sec. 4.** If a student described in section 1 of this chapter is placed in:

(1) a public school that is within another school corporation; or

(2) a nonpublic school;

the school corporation in which the student has legal settlement is responsible for paying tuition for the student. However, the school corporation in which the student has legal settlement may not expend more than the amount determined under IC 21-3-1.7-6.7(e) as tuition for the student.

**Sec. 5.** A student described in section 1 of this chapter may not be excluded from the student's school until another placement is found for the student.

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